



# Progression to Examination Decision Document

## Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area – Woolhope Neighbourhood Area

Parish Council – Woolhope Parish Council

Draft Consultation period (Reg14) – 19 June to 1 August 2023

Submission consultation period (Reg16) – 13 February to 27 March 2025

## Determination

<i>Legal requirement question</i>	<i>Reference to section of the legislation</i>	<i>Did the NDP meet the requirement as state out?</i>
Is the organisation making the area application the relevant body under section 61G (2) of the 1990 Act		Yes
Are all the relevant documentation included within the submission <ul style="list-style-type: none"> <li>• Map showing the area</li> <li>• The Neighbourhood Plan</li> <li>• Consultation Statement</li> <li>• SEA/HRA</li> <li>• Basic Condition statement</li> </ul>	Reg15	Yes
Does the plan meet the definition of a NDP - 'a plan which sets out policies in relation to the development use of land in the whole or any part of a particular	Localism Act 38A (2)	Yes

<i>Legal requirement question</i>	<i>Reference to section of the legislation</i>	<i>Did the NDP meet the requirement as state out?</i>
neighbourhood area specified in the plan'		
Does the plan specify the period for which it is to have effect?	2004 Act 38B (1and 2)	Yes
The plan contains no 'excluded development'? <ul style="list-style-type: none"> <li>• County matter</li> <li>• Any operation relating to waste development</li> <li>• National infrastructure project</li> </ul>	1990 61K / Schedule 1	Yes
Does it relation to only one neighbourhood area?	2004 Act 38B (1and 2)	Yes
Have the parish council undertaken the correct procedures in relation to consultation under Reg14?		Yes
Is this a first time proposal and not a repeat? <ul style="list-style-type: none"> <li>• Has an proposal been refused in the last 2 years or</li> <li>• Has a referendum relating to a similar proposal had been held and</li> <li>• No significant change in national or local strategic policies since the refusal or referendum.</li> </ul>	Schedule 4B para 5	Yes

# Summary of comments received during submission consultation

*Please note the below are summaries of the responses received during the submission consultation. Full copies of the representations will be sent to the examiner in due course.*

Table 1 – comments made by Herefordshire Council departments

<b>Herefordshire Council</b>	<b>Comment made</b>
Strategic Planning	Policy DM11 Sustainable and Active Travel: Does requirement to provide 'mobile telephone infrastructure apply all residential development? Is this deliverable for small-scale development. Suggest 'access to a good signal' instead?
Environmental Health (contamination)	<p>Given that no specific sites have been identified in the plan I am unable to provide comment with regard to potential contamination.</p> <p>I would however mention the following regarding 'Policy WNDP5: Change of use of agricultural buildings to dwellings and holiday use'.</p> <p>Some farm buildings may be used for the storage of potentially contaminative substances (oils, herbicides, pesticides) or for the maintenance and repair of vehicles and machinery. As such it is possible that unforeseen contamination may be present on the site. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should any be encountered during the development.</p> <p>Regarding sites with a historic agricultural use, I would mention that agricultural practices such as uncontrolled burial of wastes or excessive pesticide or herbicide application may be thought of as potentially contaminative, and any development should consider this.</p> <p>General comments:</p> <p>Developments such as hospitals, homes and schools may be considered 'sensitive' and as such consideration should be given to risk from contamination notwithstanding any comments. Please note that the above does not constitute a detailed investigation or desk</p>

<b>Herefordshire Council</b>	<b>Comment made</b>
	<p>study to consider risk from contamination. Should any information about the former uses of the proposed development areas be available I would recommend they be submitted for consideration as they may change the comments provided.</p> <p>It should be recognised that contamination is a material planning consideration and is referred to within the NPPF. I would recommend applicants and those involved in the parish plan refer to the pertinent parts of the NPPF and be familiar with the requirements and meanings given when considering risk from contamination during development.</p> <p>Finally, it is also worth bearing in mind that the NPPF makes clear that the developer and/or landowner is responsible for securing safe development where a site is affected by contamination.</p>
Transportation	No further comment
Development Management	No further comment

Table 2 – comments made by statutory consultees

<b>Statutory Consultee</b>	<b>Comment made</b>
Coal Authority	No specific comments to make
Historic England	Historic England is supportive of both the content of the document and the vision and objectives set out in it.
Natural Resources Wales	No comments to make
Natural England	No Specific comments
Environment Agency	<p>We recommended that reference be made to nutrient neutrality within the NDP at the Regulation 14 stage, specifically within Policy WNDP3 regarding new housing development. However, upon review of the Regulation 16 NDP document we note nutrient neutrality remains unmentioned, this is recognised in section 8.10 of the AA stating that ‘the revised plan does not contain any specific policy or criteria that requires development to be nutrient neutral.</p> <p>The revised Woolhope NDP could introduce policy or criteria with such requirements to strengthen protection and mitigation measures in the plan.’ We would therefore agree with this recommendation in the AA that it would be beneficial for a policy or criteria on nutrient neutrality to be included in the revised NDP.</p> <p>As previously mentioned, you may also wish to reference the Phosphate Budget Calculator Tool and associated guidance as an important tool in helping applicants meet policy requirements.</p> <p>We also previously offered comments on potential impacts on the River Wye SAC Catchment and note that the conclusions of the AA remain similar, stating that: ‘the Woolhope NDP will not have any likely significant effects on the integrity of the River Wye (including River Lugg) SAC when the mitigation and avoidance measures have been considered. On the basis that the current submission is similar and proposes no negative impact on the River Wye alongside no allocated sites we would have no further comments to offer at this time</p>
NHS	NHS Herefordshire & Worcestershire ICB has no direct comment on the plan but welcomes the proposal “to deliver high speed broadband”, which is of benefit to the provision of healthcare into rural communities.

Statutory Consultee	Comment made
Network Rail	No specific comments
Dormington & Mordiford Group Parish	Dormington and Mordiford Group Parish Council would like to support Woolhope's NDP
Tarrington Parish	No comments to make
The British Horse Society	<p>Express concern that Woolhope NDP and Design Guide makes no mention of horse riders. 38% of responses to NDP consultation highlighted 'facilities for horse riders' as 'very important' (only 1% and 10% less than cyclists and walkers respectively) and yet there's no mention of horse riding in this version. This infers a deliberate policy to exclude horse riders.</p> <p>3,118 road incidents involving horses were logged with British Horse Society in 2024. Of these, 58 horse deaths and 97 injuries as well as 80 people injured. A serious road incident not only causes distress to those involved but costs the public £2.7M (DfT, 2024) therefore safe off-road access for all vulnerable road users and improved road safety are fundamental in any new development.</p> <p>Excluding equestrians in the language used, and therefore the commitment made, in the plan does not only place them at higher risk on roads but also could be construed as discriminatory as the majority of horse riders 'hacking out' are women. 88% of adult horse riders are women and 85% of children who ride are girls (BE, 2023).</p> <p>Horse riders are vulnerable road users in the same way that pedestrians and cyclists are. All vulnerable road users should be included otherwise the scenario is horses become sandwiched between MPV traffic on one side and cyclists on the other. Active travel/utility travel does include equestrians. Jesse Norman in House of Commons debate on Road Safety, 5 November 2018: <i>"We should be clear that the cycling and walking strategy may have that name but is absolutely targeted at vulnerable road users, including horse-riders"</i> the ATE Route Check Tool User manual states Horse riding is explicitly included in active travel: House of Commons Transport Committee Active travel: increasing levels of walking and cycling in England Eleventh Report of Session 2017–19 Report, together with formal minutes relating to the report (London, 2019): <i>"Active travel covers any journey that is made by physically active means, and covers such diverse activities as</i></p>

Statutory Consultee	Comment made
	<p><i>horse riding, skateboarding, roller skating, and riding a scooter.”</i> p6.</p> <p>There is an obligation to enhance access: <i>‘Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users’</i> (NPPF, s105).</p> <p>DEFRA has recorded a population of 1,366 horses in the HR1 postcode area (2024) of which Woolhope is part. The contribution per horse to the economy is £6,887 (BETA, 2023) therefore in this case a significant contribution of £9,407,642 per annum. The equine industry provides diverse employment (vets, farriers, feed outlets, saddlers, instructors, venues, liveries, etc) and equestrian tourism is on the rise with establishments offering day rides and ‘bring your horse on holiday’ experiences. Promoting, nurturing, and enabling equestrian access would support the equestrian industry.</p> <p>Equestrian activity contributes to health targets. Research undertaken found that 68% of respondents participated in horse riding and associated activities for 30 minutes or more at least three times a week (University of Brighton and Plumpton College on behalf of The British Horse Society). Sport England estimate that such a level of sporting activity will help an individual achieve or exceed the government’s recommended minimum level of physical activity. The Health Survey for England 2016 confirmed horse riding is ‘moderate intensity’ exercise. 24% of people engaging in equestrian sport have declared disabilities.</p> <p>In our experience unless the language used in policy documents expressly includes equestrians, developers will not provide any mitigation for increased MPV traffic or impact to PROW that benefits equestrian. This is unacceptable and therefore British Horse Society would welcome further dialogue in relation to the Neighbourhood Plan</p>

## Officer appraisal

All the consultation requirements of Regulation 14 were undertaken by the parish council and all the required documentation was submitted under Regulation 16.

This plan has met the requirements of the regulations as set out in above. This is the first Neighbourhood Development Plan for Woolhope.

No concern has been raised from internal consultees with regards to the ability of the plan to meet the required minimum proportional growth contributing towards the deliverability of the Core Strategy. The parish has a minimum proportional growth requirement of 30 dwellings, and has 10 commitments, 9 completions (as of April 2024). The plan does not allocate any sites for housing and has not defined any settlement boundaries, and the parish expect the residual target of 11 dwellings to be delivered through windfall sites.

10 representations were received during the submission (Reg16) consultation period. 8 external, 2 from internal service providers at Herefordshire Council, no comments were submitted by members of the public.

The Environment Agency recommends inclusion of a specific policy or criteria requiring development to be nutrient neutral but contends that the plan proposes no negative impact on the River Wye SAC. The introduction of a policy or criteria on nutrient neutrality with requirements to strengthen protection and mitigation measures in the plan would be advisable.

One objection has been raised by The British Horse Society on grounds that they find the NDP does not take the needs of horse-riders on roads and PROWs into consideration. No other external or Statutory Consultees had substantial comments or objections to the plan.

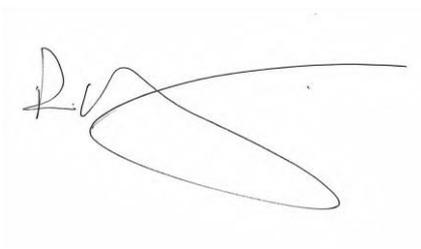
Strategic Planning find all the policies contained in the plan are in conformity with the Core Strategy. Suggestions have been made to update references in the plan.

Overall, it is considered that there are no fundamental issues relating to this plan which would prevent its progress to examination.

## Service Director's comments

### Decision under Regulation 17 of the Neighbourhood Planning (General) Regulations 2012.

It is recommended that the Woolhope Neighbourhood Plan **does** progress to examination at this stage.

A handwritten signature in black ink, appearing to read 'R. Allonby', with a large, sweeping flourish extending to the right.

**Roger Allonby**

**Service Director Economy and Growth**

Date: 30 April 2025



## Appendix 1

### Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Woolhope NDP

Date: 27/03/25

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
WNDP1: Landscape and Biodiversity	SS6; LD1; LD2; LD3	Yes	
WNDP2: Protecting historic assets and settlement character	SS6; LD1; LD4	Yes	
WNDP3: New housing development	SS1; SS2; SS3; H1; H3, SD1; ID1	Yes	Paragraph 7.6 will need updating in light of the changes to the Herefordshire 5 yr supply of 3.06 (December 2024)  Table 1 will also require an update with the proportional growth requirement now being a need for 11 new dwellings not 13.
WNDP4: Replacement dwellings in the countryside	RA3; RA4	Yes	
WNDP5: Change of use of agricultural buildings to dwellings and holiday use	RA4; RA5; RA6	Yes	

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
WNDP6: Promoting sustainable transport in new developments	SS4; SS7; MT1; ID1	Yes	
WNDP7: Protecting existing community facilities and supporting investment in new and improved facilities	SC1; ID1	Yes	
WNDP8: New agricultural buildings and poly tunnels	RA3; RA6	Yes	Footnote 8 “Herefordshire economic development strategy” has been updated in 2023, the reference should be updated.
WNDP9: Tourism and rural diversification	SS5; RA6; E2; E3; E4; SD4	Yes	

**Other comments/conformity issues:**

Information within the document requires updating, such as the reference to the NPPF.

Supporting text should also be updated with the most up to date information available.

The design code is supported and in conformity with national guidelines without the adoption of a Herefordshire Council Design Code.